

RANDALL P. CHOY, SBN 83194
ANNE C. O'DONNELL, SBN 222161
HEDANI, CHOY, SPALDING & SALVAGIONE
595 Market Street, Suite 1100
San Francisco, California 94105
Telephone: (415) 778-0800
Facsimile: (415) 778-0700

Attorneys for Plaintiffs
DON SING and BETTY SING

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NO. C 07-5300 JSW

DON SING and BETTY SING,

Plaintiffs,

vs.

**[PROPOSED] ORDER DENYING
ALLSTATE'S MOTION TO
DISMISS IN PART AND GRANTING
IN PART**

ALLSTATE INSURANCE COMPANY,
and DOES 1 to 100

Defendants.

On December 14, 2006, at 9:00 a.m. defendant Allstate Insurance Company's motion to dismiss came on for hearing before the Honorable Jeffrey S. White. All parties were represented by counsel.

Based on the papers submitted in support of and in opposition to the motion, as well as oral argument, the Court finds that defendant has failed to meet its burden in its motion to dismiss as to plaintiffs' causes of action for breach of contract, and for breach of the covenant of good

1
2 faith and fair dealing, and further finds that defendant has met its burden as to plaintiffs cause of
3 action for breach of fiduciary duty, which plaintiffs do not dispute. Defendant's motion to dismiss
4 is therefore DENIED IN PART as to plaintiffs' causes of action for breach of contract, and for
5 breach of the covenant of good faith and fair dealing, and GRANTED IN PART as to plaintiffs'
6 cause of action for breach of fiduciary duty.
7

8 IT IS SO ORDERED.
9

10 Dated: _____

11 Honorable Jeffrey S. White
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28